

of Texas, and all laws and parts of laws in conflict herewith, making an appropriation to carry this act into effect, prescribing penalties, and declaring an emergency;" beg leave to report that same has been considered, and recommend that same do pass.

Adams, Bryan, Hudspeth, Johnson, Murray, Mayfield, Willacy, Kauffman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Jan. 19, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred House bill No. 81, being "An Act to grant a new charter to the city of Texarkana, Bowie county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency;" have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Meachum, Chairman; Vaughan, Lattimore, McNealus, Collins, Peeler, Terrell of McLennan, Perkins, Kauffman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Jan. 20, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 69, a Bill to be entitled "An Act to repeal an act passed by the First Called Session of the Twenty-eighth Legislature, which convened on the second day of April, 1903, and adjourned on the first day of May, 1903, said act being known as House bill No. 13, and Chapter 1 of the Special Acts of the First Called Session of the Twenty-eighth Legislature;" beg to report that we have had the same under consideration and recommend that it do pass and be not printed.

Ratliff, Acting Chairman; Perkins, Weinert, Paulus, Johnson, Kauffman.

SEVENTH DAY.

Senate Chamber,  
Austin Texas,  
Monday, January 23, 1911.  
Senate met pursuant to adjourn-

ment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume. Terrell, McLennan.

Absent—Excused.

Lattimore.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

PENDING BUSINESS.

The Chair, Lieutenant Governor Davidson, laid before the Senate as pending business, the simple resolution by Senator Cofer, seeking to adopt rules of the Senate. (See former proceedings for resolution.)

Senator Vaughan offered the following amendment:

Amend by adding Rule 69a:

RULE 69A.

The following standing committees are hereby created and the members thereof shall be elected by the Senate in such way as may be determined, viz.:

1. A Committee on Congressional Districts to be composed of eleven members.

2. A Committee on Senatorial Districts to be composed of nine members.

3. A Committee on Representative Districts to be composed of nine members.

All matters relating to redistricting the State into congressional, senatorial and representative districts

shall be referred to these committees respectively.

The amendment was read and Senator Vaughan moved its adoption and moved the previous question on same.

Senator Murray raised a point of order that in view of the fact that the Senate had no rules, a motion for the previous question was not in order, as it was not provided for by the Constitution.

#### HOUSE CONCURRENT RESOLUTION NO. 12.

Pending discussion on the above point of order, Senator Peeler called up

House Concurrent Resolution No. 12, a resolution providing for the appointment of a joint committee to arrange for the election of a United States Senator.

The resolution was laid before the Senate, and on motion of Senator Peeler the committee report, which provided that the resolution be not printed, was adopted.

The resolution was then read and adopted by the following vote:

Yeas—27.

Adams.	Peeler.
Bryan.	Ferkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Astin.	Terrell, McLennan.
Hume.	

Absent—Excused.

Lattimore.

#### APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the above resolution, the Chair announced the appointment of the following committee provided for on part of the Senate:

Senators Meachum, Adams and Carter.

#### PENDING BUSINESS.

Action then recurred on the pending business, which was the point of order by Senator Murray on the motion for the previous question to the amendment by Senator Vaughan to the resolution by Senator Cofer.

The Chair, Lieutenant Governor Davidson, held that the Senate had the right to hear the discussion of the amendment and would hear any Senator on amendment, holding that he did not consider the point of order by Senator Murray.

Pending discussion Senator Willacy offered a substitute for the pending resolution and the amendments.

Senator Cofer moved to table the substitute, and the Chair held, in the absence of rules, a motion to table would be debatable.

Pending further discussion, Senator Willacy withdrew the substitute, and offered the following in lieu of same:

Resolved, That the President of the Senate, in whose fairness and impartiality we have unbounded confidence, shall appoint all committees, either standing or special, following long established precedent in the conduct of the business of the Senate of Texas, thereby upholding the judgment of the Democracy of Texas from whom he received his nomination as Lieutenant Governor, and the will of the people of Texas, whose confidence in him was expressed in no uncertain terms through an overwhelming majority at the November election.

#### RECESS.

Senator Weinert here moved that the Senate recess until 2:30 o'clock today and the motion was adopted by the following vote:

Yeas—15.

Adams.	Murray.
Astin.	Paulus.
Carter.	Peeler.
Greer.	Real.
Hudspeth.	Watson.
Hume.	Weinert.
Kauffman.	Willacy.
Meachum.	

## Nays—13.

Bryan.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Ratliff.	

## Absent—Excused.

Lattimore.

## PAIRED.

Senator Perkins (present), who would vote "nay" with Senator Terrell of McLennan (absent), who would vote "yea."

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

## BILLS AND RESOLUTIONS ON FIRST READING.

By Senator McNealus:

Senate bill No. 83, A bill to be entitled "An Act to amend Section 60 and 128a, Chapter 11, of the laws of the Special Session of 1905, entitled 'An Act to regulate elections and to provide penalties for its violation,' and to repeal the Acts of the Twenty-eighth Legislature, of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903, so as to hereafter read as follows, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator McNealus:

Senate Concurrent Resolution No. 6, A resolution inviting Hon. Chas. A. Culberson to address a joint session of the Legislature on January 25, immediately following the election of a United States Senator, and providing for a committee to arrange for same.

Read and referred to Committee on Privileges and Elections.

## SPECIAL COMMITTEE REPORT.

Senator Meachum offered the following special committee report:  
Austin, Texas, Jan. 23, 1911.

To the Hon. Sam T. Rayburn, Speaker of the House, and Hon. A. B. Davidson, President of the Senate.

Your joint committee appointed for the purpose of making the necessary arrangements for the election of a United States Senator, have duly considered the same and beg leave to recommend:

1. That the Senate proceed to nominate and ballot for United States Senator on January 24, 1911, at 11 o'clock a. m.

2. That the House of Representatives proceed to nominate and ballot for United States Senator on January 24, 1911, at 11 o'clock a. m.

3. That the Senate and House of Representatives meet in joint session in the House of Representatives on Wednesday, January 25, 1911, at 12 o'clock noon, for the purpose of declaring the result of the previous balloting in each of the Houses of the Legislature.

Respectfully submitted,

On the part of the Senate:

MEACHUM,  
ADAMS,  
CARTER,

On the part of the House:

M'KINNEY,  
HARMON,  
ROWELL.

On motion of Senator Meachum, the above report was adopted.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Jan. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the joint committee which was appointed to arrange for the election of a United States Senator.

Respectfully,

BOB BARKER,  
Chief Clerk.

## PENDING BUSINESS.

Action recurred on the pending business, which was the substitute by Senator Willacy for the pending resolution and amendment therefor.

The substitute was lost by the following vote

## Yeas—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.

## Nays—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.
McNealus.	

## PAIRED.

Senator Meachum (present), who would vote "yea," with Senator Lattimore (absent), who would vote "nay."

Senator Perkins (present), who would vote "nay," with Senator Terrell of McLennan (absent), who would vote "yea."

Senator Hume offered the following substitute for the amendment:

Be it resolved, That the entire membership of the Senate be placed by the Chair upon all redistricting committees hereafter appointed.

The substitute was lost by the following vote:

## Yeas—5.

Hume.	Real.
Murray.	Weinert.
Paulus.	

## Nays—22.

Adams.	Meachum.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Hudspeth.	Ward.
Johnson.	Warren.
Kauffman.	Watson.
Mayfield.	Willacy.

## Present—Not Voting.

McNealus.

## Absent—Excused.

Lattimore.

## PAIRED.

Senator Perkins (present), who would vote "nay," with Senator Terrell of McLennan (absent), who would vote "yea."

Action then recurred on the amendment and the same was adopted by the following vote:

## Yeas—14.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.

## Nays—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.

## Present—Not Voting.

McNealus.

## PAIRED.

Senator Meachum (present), who would vote "nay," with Senator Lattimore (absent), who would vote "yea."

Senator Perkins (present), who would vote "yea," with Senator Terrell of McLennan (absent), who would vote "nay."

The Chair, Lieutenant Governor Davidson, had the following read to the Senate

The adoption of the amendment to the rules reversing the order of things existing in this State since the E. J. Davis administration, and taking from the Chair the appointment of committees which he has always heretofore been recognized as having the right to appoint, and doing so after the Chair had exercised the privilege, under the rules at the time of appointing all standing committees, indicates to the Chair either a desire, not expressed in the amended rule, to control certain conditions in this State or a want of confidence in the Presiding Officer in dealing fairly with the people of this State with

reference to those matters, the Chair having, as before stated, already been permitted by this body, under the rules then in force, to appoint thirty-two standing committees, and after that service had been performed, then to deprive the Chair of the privilege of appointing other committees which the journals of the Senate show have on all former occasions been appointed by the Chair, leads the Chair to believe that a majority of the Senate have a want of confidence in the patriotism, integrity and good purpose of the Chair in serving the people of Texas.

The Chair feels impelled, by having had the authority to appoint these committees, to return the authority then existing in the Chair to the Senate of Texas, in order that they themselves may organize all committees to serve as demanded by the Constitution; and now here, by virtue of its authority, having had the power to create and now having the power to dissolve, the Chair dissolves all standing committees of this body heretofore appointed by it.

The Chair regrets that after having served the people of Texas two terms, this being the beginning of the third term, not only that any number of Senators, but any Senator on this floor should feel a want of confidence in the Chair to the extent of passing the amendment to the rules known as rule 69a, and, in self respect, the Chair returns to the Senate of Texas the authority to appoint all standing committees provided for in the former rules of this body, and, therefore, now here spreads upon the journal the dissolution of those committees as heretofore appointed and formed by this Chair.

Senator Hudspeth offered a resolution, and after same had been read, the Chair held that it was not in order at this time, as it was not a privileged matter.

Action then recurred on the resolution by Senator Cofer, and

Senator Vaughan offered the following amendment:

To amend rule by adding Rule 69b as follows:

Rule 69b, All conference committees shall be elected by the Senate unless otherwise provided.

The amendment was adopted by the following vote:

## Yeas—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.
McNealus.	

## Nays—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.

## PAIRED.

Senator Meachum (present), who would vote "nay," with Senator Latimore (absent), who would vote "yea."

Senator Perkins (present), who would vote "yea," with Senator Terrell of McLennan (absent), who would vote "nay."

Senator Vaughan offered the following amendment:

To amend rule by adding Rule 69c, as follows:

Rule 69c, The Senate may, by resolution, add members to any committee, standing or special, but when such additions are made, no further change in such committee shall be made except by and with the consent of the Senate.

The amendment was adopted by the following vote:

## Yeas—14.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Mayfield.	Warren.

## Nays—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.

## Present—Not Voting.

McNealus.

## PAIRED.

Senator Meachum (present), who would vote "nay," with Senator Lattimore (absent), who would vote "yea."

Senator Perkins (present), who would vote "yea," with Senator Terrell of McLennan (absent), who would vote "nay."

Senator Hume offered the following amendment:

Amend Rule 69 by adding thereto 69x as follows:

Rule 69x, No member of the minority shall be placed on any conference committee.

The amendment was lost by the following vote:

Yeas—2.

Hume. Paulus.

Nays—26.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Present—Not Voting.

McNealus.

Absent.

Terrell, McLennan.

Absent—Excused.

Lattimore.

Action then recurred on the resolution, as amended, and the same was, on motion of Senator Cofer, adopted by the following vote:

Yeas—14.

Bryan.	Greer.
Carter.	Johnson.
Cofer.	Mayfield.
Collins.	Ratliff.

Sturgeon.	Vaughan.
Terrell, Wise.	Ward.
Townsend.	Warren.

Nays—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.

Present—Not Voting.

McNealus.

## PAIRED.

Senator Meachum (present), who would vote "nay," with Senator Lattimore (absent), who would vote "yea."

Senator Perkins (present), who would vote "yea," with Senator Terrell of McLennan (absent), who would vote "nay."

Senator Cofer moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Jan. 23, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 16, A bill to be entitled "An Act to amend Section 14 and Section 15 of Chapter 17 of the Acts of the Thirty-first Legislature of the First Called Session, approved April 17, 1909, being an Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and places wherein same are sold, imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business there-

of; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication, and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this Act, and declaring an emergency, and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a, and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this Act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to give time for securing licenses under this Act, and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency, with engrossed rider.

Also House Concurrent Resolution No. 16 granting J. H. Lineburgher permission to use the place formerly used by Paul Rush, deceased, on the first floor of the Capitol as a cigar stand, etc.

Respectfully,  
BOB BARKER,  
Chief Clerk.

The Chair directed that House bill No. 16 be read, but held that there was no committee that it could be referred to.

Senator Sturgeon then offered the following motion in writing:

Resolved, That the thirty-two standing committees heretofore appointed by the Lieutenant Governor shall be confirmed as the standing committees of the Senate.

STURGEON,  
COFER,  
RATLIFF.

The resolution was read and adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Terrell, McLennan.

Absent—Excused.

Lattimore.

In view of the above action, the Chair directed the referring of the following House bills:

#### BILLS READ AND REFERRED.

The Chair, Lieutenant Governor Davidson, had read and referred, after their captions had been read, the following House bills:

House bill No. 16, referred to Judiciary Committee No. 2.

House Concurrent Resolution No. 16, referred to Committee on Public Buildings and Grounds.

#### SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That the rules as adopted this day for the permanent rules

of the Thirty-second Senate be printed in the Senate Journal of tomorrow for the guidance of the Senate and members thereof.

The resolution was read and adopted.

#### SIMPLE RESOLUTION.

By Senator Bryan:

Whereas, there is an effort being made before congress by citizens of Texas to secure an appropriation of one hundred thousand (\$100,000) dollars for the further development of deep water at Velasco, Texas;

Resolved, That we request our Congressmen and United States Senators to lend their active support in securing this appropriation, and that the Secretary of the Senate be directed to telegraph a copy of this resolution to them.

BRYAN.  
KAUFFMAN,  
JOHNSON,  
MEACHUM,  
WILLACY,  
PERKINS,  
RATLIFF,  
ADAMS,  
HUDSPETH.

The resolution was read and laid on the table subject to call.

#### EXCUSED.

On account of important business:  
Senator Terrell of McLennan for today on motion of Senator Ward.

#### ADJOURNMENT.

On motion of Senator Sturgeon, the Senate, at 4:30 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

(Floor Report.)

Committee Room,

Austin, Texas, Jan. 23, 1911.

We, your Committee on State Affairs, to whom was referred

House Concurrent Resolution No. 12, providing for a joint committee of the two houses of the Legislature to arrange for the election of a United States Senator for the term beginning March 4, 1911,

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Peeler, Ratliff, Perkins, Johnson,

Kauffman, Warren, Greer, Murray, Real.

#### PETITIONS AND MEMORIALS.

By Senator Hudspeth:

Section 1. Be it resolved by the City Council of the City of El Paso, That the Legislature of the State of Texas is respectfully petitioned to create an additional Court of Civil Appeals and to establish the seat thereof in El Paso.

Our rank among the cities of the State; our recent growth; our prospects for the immediate future; the ever increasing volume of litigation in our courts and our distance from the nearest appellate tribunal, speak more eloquently in favor of our petition than can any words of ours.

Section 2. Be it further resolved, That Senator Claude Hudspeth and Representative W. C. McGown are urgently requested to spare no efforts in obtaining the granting of this petition.

That a copy hereof be sent to the Clerk of each branch of the Legislature, and to Senator Hudspeth and Representative McGown.

Passed and approved this 29th day of January, 1911.

C. E. KELLY,  
Mayor.

#### EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, Jan. 24, 1911.

Senate met pursuant to adjournment, President Pro Tem. Hudspeth presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Feeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by the Chaplain.

Pending the reading of the Journal